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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,697	10/20/2005	Sebastian Kraufvelin	061608-0660	2122
30542 7590 11/12/2009 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER TORRES, MARCOS L	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 11/12/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/529,697

**Applicant(s)**

KRAUFVELIN ET AL.

**Examiner**

MARCOS L. TORRES

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 5-28-09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8-28-09 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 1, 4-6, 9-14, 16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray 6484033 in view of Cedervall 20040203900.

As to claim 1, Murray discloses a method comprising: receiving an area event notification request from a client [32] at a location service entity provided in association with the communication system [see col. 10, lines 19-30], the area event notification request containing information associated with the identity of a mobile station and a geographical area of interest [see col. 7, lines 53-65; col. 10, lines 19-24]; activating monitoring for an event indicative of a change in the presence status of the mobile station relative to said geographical area of interest; and signaling a notification to the

client in response to detection of such event [see col. 10, lines 24-47; 59-65]. Murray does not specifically disclose providing information regarding services to the mobile station in response to a notification that the mobile station is present in the geographical area of interest. In an analogous art, Cedervall discloses providing information regarding services to the mobile station in response to a notification that the mobile station is present in the geographical area of interest (see par. 0022, 0024, 0051). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention was made to offer services based on location as suggested in par. 15, thereby increasing user satisfaction and increasing profits.

As to claims 4-6, Murray discloses a method wherein the monitoring is based on at least one location/routing/service area determined based on said information of the area of interest [see col. 11, lines 1-43; col. 12, line 56 - col. 13, line 35].

As to claims 9-10, Murray discloses method comprising cancelling the request for area event notifications, after the signaling notification step [col. 2, lines 1-17].

As to claims 11, Murray discloses a method wherein said signaling notification is responsive to detection of said event over a predetermined time period [col. 4, lines 45-59].

As to claims 12, Murray discloses a method wherein successive signaling within a predetermined time period is limited [col. 4, lines 45-59].

As to claims 13, Murray discloses a method according wherein an LCS client defines the predetermined time period such that successive signaling is limited [col. 4, lines 45-59].

As to claims 14, Murray discloses a method wherein a network operator defines the predetermined time period such that successive signaling is limited [col. 4, lines 45-59].

As to claims 16, Murray discloses a method wherein the step of receiving an area event notification request is responsive to a location update [see col. 4, lines 60 – col. 5, line 43].

As to claim 18, Murray discloses an apparatus, comprising: a location service entity [76] configured to receive an area event notification request from a client [32] containing information associated with the identity of a target mobile station and a geographical area of interest [see col. 7, lines 53-65]; col. 10, lines 19-24]; a monitoring configured to monitor, in response to receiving said request, for an event indicative of a change in the presence status of the target mobile station relative to said geographical area of interest and for signal a notification to the client in response to detection of such event [see col. 10, lines 24-47; 59-65]. Murray does not specifically disclose providing information regarding services to the mobile station in response to a notification that the mobile station is present in the geographical area of interest. In an analogous art, Cedervall discloses providing information regarding services to the mobile station in response to a notification that the mobile station is present in the geographical area of interest (see par. 0022, 0024, 0051). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention was made to offer services based on location as suggested in par. 15, thereby increasing user satisfaction and increasing profits.

As to claim 19, Murray discloses an apparatus wherein the monitoring means are provided in association with the target mobile station [see col. 4, lines 34-45].

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cedervall and further in view of Wilson 7203502.

As to claim 2, Murray discloses everything as explained above except for a method wherein the monitoring is activated at the mobile station. In an analogous art, Wilson discloses a method wherein the monitoring is activated at the mobile station [see fig. 1b, first step, with item 102]. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to provide location based services to the phone such as locating individuals and coordinating meetings.

8. Claims 3, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cedervall and further in view of Havinis 6169899.

As to claims 3, 15 and 20, Murray discloses everything as explained above except for method wherein the monitoring is based on the identity of at least one cell of the communication system selected based on said information of the area of interest. Havinis et al further teaches wherein the monitoring is based on the identity of at least one cell of the communication system selected based on said information of the area of interest and area of interest is taken into consideration in cell selection. (Column 5, Lines 46- 50 and Column 2, Lines 42-46). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to

provide location based services to the phone such as locating individuals in a desired area.

9. Claims 7-8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cedervall and further in view Miriyala 7024195.

As to claim 8, Murray discloses everything as explained above except for a method wherein the request contains further information regarding the event to reported, the further information defining whether entering or leaving of the area of interest shall be reported. In an analogous art, Miriyala discloses a method wherein the request contains further information regarding the event to reported, the further information defining whether entering the area of interest shall be reported [see col. 3, lines 42-60]. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to send advertisement when entering in certain area.

As to claims 7 and 21, Murray discloses everything as explained above except for, wherein the area of interest is defined by means of the shape thereof. In an analogous art, Miriyala discloses wherein the area of interest is defined by means of the shape [size] [see col. 3, lines 42-60]. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to send advertisement when entering in certain area.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cedervall and further in view of Nakagawa 5621414.



As to claim 17, Murray discloses everything as explained above except for a method according further comprising confirming the location of the mobile station responsive to the signaling location, to ensure the location corresponds to the area of interest. In an analogous art, Nakagawa discloses confirming the location of the mobile station responsive to the signaling location, to ensure the location corresponds to the area of interest [see col. 1, lines 7-18]. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to minimize errors.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcos L Torres/  
Examiner, Art Unit 2617

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617